



PATENT

Attorney Docket No. 09700.0066-01000

SAP Ref. No. 2003P00324 US01

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
)
Bjoern GOERKE et al.) Group Art Unit: 2162
)
Application No. 10/781,271) Examiner: Robert Stevens
)
Filed: February 17, 2004) Confirmation No. 2046
)
For: DEVELOPING AND USING)
USER INTERFACES WITH)
VIEWS)

Mail Stop Appeal Brief--Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 C.F.R. 41.37)**

Transmitted herewith is the REVISED APPEAL BRIEF for this application with respect to the Notice of Appeal filed on February 26, 2008, and the Notice of Non-Compliant Appeal Brief mailed May 7, 2008. Applicants have revised Part V of the Brief to correct the defect identified in the Notice of May 7, 2008.

This application is on behalf of

☐ Small Entity ☒ Large Entity

Pursuant to 37 C.F.R. 41.20(b)(2), the fee for filing the Appeal Brief is:

☐ \$255.00 (Small Entity)

☒ \$510.00 (Large Entity)

TOTAL FEE DUE:

Appeal Brief Fee	\$510.00
Extension Fee (if any)	\$ 0.00
Total Fee Due	\$510.00

A check in the amount of \$510.00 was submitted with the Notice of Appeal filed on February 26, 2008, and Applicants believe that no further fees are required.

Nonetheless, if any fees are required to file this Revised Appeal Brief, or if any extension of time is necessary, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 06-0916.

FINNEGAN, HENDERSON, FARABOW,
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Dated: May 15, 2008

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Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REVISED APPEAL BRIEF UNDER BOARD RULE § 41.37

In support of the Notice of Appeal filed February 26, 2008, and further to Board Rule 41.37, Appellants present this revised brief. This Revised Appeal Brief is being timely filed within the one (1) month period of the May 7, 2008, Notification of Non-Compliant Appeal Brief. The allegedly Non-Compliant Appeal Brief was timely submitted within two (2) months of the February 26, 2008 filing date of the Notice of Appeal. The Notice of Appeal included the \$510.00 fee required under 37 C.F.R. § 1.17(c). This revised brief addresses the deficiencies identified in the Notification.

Appellants appeal the rejections of claims 1-3, 5-24, and 28-31 set forth Office Action mailed November 26, 2007.

If any additional fees are required or if the payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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I. Real Party In Interest

The real party in interest is SAP Aktiengesellschaft, the assignee of the entire right, title, and interest in the application, as indicated in the assignment in its name, which was recorded at Reel 014721, Frame 0981 on June 10, 2004.

II. Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellants, Appellants' legal representatives, or Assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status Of Claims

Claims 1-3, 5-24, and 28-31 are pending in the above-captioned patent application. Claims 1-3, 5-24, and 28-31 are under current examination and are the subject of this appeal. Claims 4 and 25-27 were previously canceled.

The claims on appeal are set forth in Section IX entitled "Claims Appendix to Appeal Brief."

IV. Status Of Amendments

Subsequent to the Final Office Action, mailed November 26, 2007, an amendment under 37 C.F.R. § 1.116 was filed on January 22, 2008. This amendment was entered by the Examiner, as indicated by the Advisory Action mailed February 8, 2008. In addition, a Pre-Appeal Brief Request for Review was filed February 26, 2008. In response, the U.S. Patent and Trademark mailed a Notice of Panel Decision on March 18, 2008.

V. Summary Of Claimed Subject Matter¹

A. Claim 1

The invention, as recited in claim 1, is directed to a computer program product [See *e.g.*, p. 2, ll. 19-21; p. 14, ll. 16-27]. The computer program product is operable to cause a data processing apparatus to assist in development of user interfaces [See *e.g.*, p. 15, l. 3 through p. 16, l. 6], and is tangibly embodied in a computer-readable medium [See *e.g.*, p. 15, ll. 3-15].

The computer program product comprises instructions for enabling a user to lay out one or more views for a user interface [See *e.g.*, p. 6, ll. 16-25] including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views [See *e.g.*, p. 6, ll. 16-25].

The computer program product also comprises instructions for receiving user input specifying a view composition [See *e.g.*, Fig. 4; p. 9, l. 16 through p. 10, l. 7]. The view composition comprises a set of views [See *e.g.*, p. 8, ll. 5-6], each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements [See *e.g.*, Fig. 6; p. 8, ll. 4-10]. The view composition further comprising the layout of the views for the user interface and at least one navigation link [See *e.g.*, Fig. 6; p. 7, ll. 3-4 and 17-30], each navigation link specifying a transition from a first view in the set of views to a second view in the set of views [See *e.g.*, Fig. 3; p. 8, ll. 11-17]. Each navigation link also comprises an association between

¹ The references to the specification and drawings are exemplary and non-exhaustive. Appellants expressly affirm entitlement to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

an exit point in the first view and an entry point in the second view [See *e.g.*, Fig. 2; Fig. 3; p. 7, ll. 5-16 and 22-30; p. 8, ll. 11-25].

In addition, the computer program product comprises storing the view composition in a repository such that a rendering program uses the view composition to display the user interface [See *e.g.*, Fig. 1; Fig. 4; p. 2, ll. 22-27; p. 6, ll. 10-15; p. 9, ll. 16-24].

B. Claim 16

The invention, as recited in claim 16, is directed to a computer program product including instructions [See *e.g.*, p. 2, ll. 19-21; p. 14, ll. 16-27]. The computer program product including instructions is operable to cause a data processing apparatus to assist in assist in execution of an application [See *e.g.*, p. 15, l. 3 through p. 16, l. 6], and is tangibly embodied in a computer-readable medium [See *e.g.*, p. 15, ll. 3-15].

The computer program product comprises instructions for enabling a user to lay out one or more views from a set of views for a user interface [See *e.g.*, p. 6, ll. 16-25] including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views [See *e.g.*, p. 6, ll. 16-25].

The computer program product also comprises instructions for generating the user interface comprising the layout [See *e.g.*, Fig. 6; p. 8, ll. 4-10], the layout and the set of views being specified in a view composition [See *e.g.*, p. 7, ll. 3-4 and 17-30; p. 8, ll. 5-6], each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements [See *e.g.*, Fig. 6; p. 8, ll. 4-10].

In addition, the computer program product also comprises instructions for modifying the user interface based on at least one navigation link specified in the view composition [See *e.g.*, Fig. 6; p. 7, ll. 3-4 and 17-30], wherein each navigation link associates a first view in the set of views with a second view in the set of views [See *e.g.*, Fig. 3; p. 8, ll. 11-17], and wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view [See *e.g.*, Fig. 2; Fig. 3; p. 7, ll. 5-16 and 22-30; p. 8, ll. 11-25].

C. Claim 28

The invention, as recited in claim 28, is directed to a computer-implemented method for developing user interfaces [See *e.g.*, p. 14, l. 28 through p. 15, l. 2].

The method includes enabling a user to lay out one or more views for a user interface [See *e.g.*, p. 6, ll. 16-25] including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views [See *e.g.*, p. 6, ll. 16-25].

The method also includes receiving user input specifying a view composition [See *e.g.*, Fig. 4; p. 9, l. 16 through p. 10, l. 7], the view composition comprising a set of views [See *e.g.*, p. 8, ll. 5-6]. Each view in the set of views comprises a layout of the one or more user interface elements selected from the set of user interface elements [See *e.g.*, Fig. 6, p. 8, ll. 4-10]. The view composition further comprises the layout of the views for the user interface and at least one navigation link [See *e.g.*, Fig. 6; p. 7, ll. 3-4 and 17-30], each navigation link specifying a transition from a first view in the set of views to a second view in the set of views [See *e.g.*, Fig. 3; p. 8, ll. 11-17], wherein each

navigation link comprises an association between an exit point in the first view and an entry point in the second view [See *e.g.*, Fig. 2; Fig. 3; p. 7, ll. 5-16 and 22-30; p. 8, ll. 11-25].

Further, the method includes storing the view composition in a repository such that a rendering program uses the view composition to display the user interface [See *e.g.*, Fig. 1; Fig. 4; p. 2, ll. 22-27; p. 6, ll. 10-15; p. 9, ll. 16-24].

D. Claim 29 (Means Plus Function)

The invention, as recited in claim 29, is directed to an apparatus for assisting in development of user interfaces [See *e.g.*, p. 14, l. 28 through p. 15, l. 15]. The apparatus comprises a processor [See *e.g.*, p. 14, l. 28 through p. 15, l. 15] and means, connected to the processor, for enabling a user to lay out one or more views for a user interface, including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views [See *e.g.*, Figs. 2-3; p. 6, ll. 16-25; p. 14, l. 30 through p. 15, l. 2; p. 15, ll. 16-29]. This is a means plus function element.

Further, the apparatus comprises means for receiving user input specifying a view composition [See *e.g.*, Fig. 4; p. 9, l. 16 through p. 10, l. 7; p. 14, l. 30 through p. 15, l. 2; p. 15, ll. 16-29]. The view composition comprises a set of views [See *e.g.*, Fig. 5; p. 8, ll. 5-6; p. 9, l. 25 through p. 10, l. 3], each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements [See *e.g.*, Fig. 6; p. 8, ll. 4-10]. The view composition further comprises the layout of the views for the user interface and at least one navigation link

[See *e.g.*, Fig. 6; p. 7, ll. 3-4 and 17-30], each navigation link specifying a transition from a first view in the set of views to a second view in the set of views [See *e.g.*, Fig. 3; p. 7, ll. 17-30; p. 8, ll. 11-17]. Each navigation link also comprises an association between an exit point in the first view and an entry point in the second view [See *e.g.*, Fig. 2; Fig. 3; p. 7, ll. 5-16 and 22-30; p. 8, ll. 11-25]. This is a means plus function element.

Additionally, the apparatus comprises means for storing the view composition in a repository such that a rendering program uses the view composition to display the user interface [See *e.g.*, Fig. 1; Fig. 4; p. 2, ll. 22-27; p. 6, ll. 10-15; p. 9, ll. 16-24; p. 14, l. 30 through p. 15, l. 2; p. 15, ll. 5-15; p. 16, ll. 3-6]. This is a means plus function element.

E. Claim 30

The invention, as recited in claim 30, is directed to a computer-implemented method for assisting in execution of an application [See *e.g.*, p. 15, l. 3 through p. 16, l. 6]. The method comprises enabling a user to lay out one or more views from a set of views for a user interface [See *e.g.*, p. 6, ll. 16-25] including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views [See *e.g.*, p. 6, ll. 16-25]

In addition, the method comprises generating the user interface comprising the layout [See *e.g.*, Fig. 6; p. 8, ll. 4-10], the layout and the set of views being specified in a view composition [See *e.g.*, p. 7, ll. 3-4 and 17-30; p. 8, ll. 5-6], each view in the set of views comprises a layout of the one or more user interface elements selected from the set of user interface elements [See *e.g.*, Fig. 6, p. 8, ll. 4-10].

Further, the method comprises modifying the user interface based on at least one navigation link specified in the view composition [See *e.g.*, Fig. 6; p. 7, ll. 3-4 and 17-30], wherein each navigation link associates a first view in the set of views with a second view in the set of views [See *e.g.*, Fig. 3; p. 8, ll. 11-17]. Each navigation link also comprises an association between an exit point in the first view and an entry point in the second view [See *e.g.*, Fig. 2; Fig. 3; p. 7, ll. 5-16 and 22-30; p. 8, ll. 11-25].

F. Claim 31 (Means Plus Function)

The invention, as recited in claim 31, is directed to an apparatus comprising a processor [See *e.g.*, p. 14, l. 28 through p. 15, l. 15] and means, connected to the processor, for enabling a user to lay out one or more views for a user interface [See *e.g.*, p. 6, ll. 16-25], including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views [See *e.g.*, Figs. 2-3; p. 6, ll. 16-25; p. 14, l. 30 through p. 15, l. 2; p. 15, ll. 16-29]. This is a means plus function element.

The apparatus also comprises means for generating the user interface comprising the layout [See *e.g.*, Fig. 6; p. 8, ll. 4-10], the layout and the set of views being specified in a view composition [See *e.g.*, p. 7, ll. 3-4 and 17-30; p. 8, ll. 5-6; p. 14, l. 30 through p. 15, l. 2; p. 15, ll. 16-29], each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements [See *e.g.*, Fig. 6; p. 8, ll. 4-10]. This is a means plus function element.

Further, the apparatus comprises means for modifying the user interface based on at least one navigation link specified in the view composition [See *e.g.*, Fig. 6; p. 7,

ll. 3-4 and 17-30; p. 14, l. 16 - p. 15, l. 2; p. 15, ll. 16-23] wherein each navigation link associates a first view in the set of views with a second view in the set of views [See e.g., Fig. 3; p. 8, ll. 11-17; p. 7, ll. 17-30], and wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view [See e.g., Fig. 2; Fig. 3; p. 7, ll. 5-16 and 22-30; p. 8, ll. 11-25]. This is a means plus function element.

VI. Grounds of Rejection

Claims 1-3, 5-24, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0046789 to Inanoria (hereinafter, "*Inanoria*") in view of U.S. Patent Application Publication No. 2003/0225829 to Pena et al. (hereinafter, "*Pena*"), the document entitled "Information Visualisation Using Composable Layouts and Visual Sets," authored by Tim Pattison et al. (hereinafter, "*Pattison*"), and the document entitled "Handling Multiple Domain Objects with Model-View-Controller," authored by Michael J. Mahemoff et al. (hereinafter, "*Mahemoff*").

VII. Argument

Each claim of this patent application is separately patentable and, upon issuance of a patent, will be entitled to a separate presumption of validity under 35 U.S.C. § 282. Accordingly, each of claims 1-3, 5-24, and 28-31 should be considered individually in light of the arguments against the Examiner's rejections.

A. The rejection of claims 1-3, 5-24, and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over the cited art should be reversed because the Examiner has not established *prima facie* obviousness.

Appellants respectfully request that the Board to reverse the Examiner's rejection of claims 1-3, 5-24, and 28-31 under 35 U.S.C. § 103(a) because the Examiner has not established a *prima facie* case of obviousness.

The key to supporting any rejection under 35 U.S.C. § 103(a) is the clear articulation of the reasons why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *M.P.E.P.* § 2141, 8th Ed., Rev. 6 (Sept. 2007). "A conclusion of obviousness requires that the references relied upon be enabling in that it put the public in possession of the claimed invention." *M.P.E.P.* § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. *M.P.E.P.* § 2143.01(III) (internal citations omitted). In addition, when "determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves

would have been obvious, but whether the claimed invention as a whole would have been obvious.” *M.P.E.P.* § 2141.02(I) (internal citations omitted) (emphasis in original).

A *prima facie* case of obviousness has not been established because, among other things, none of the cited art, nor any obvious variant thereof, taken alone or in any reasonable combination, discloses or suggests each and every element of Appellants’ claims. Specifically, neither *Inanoria*, nor *Pena*, nor *Pattison*, nor *Mahemoff* disclose or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in independent claims 16, 28, 29, 30, and 31. Moreover, the references expressly teach away from their combination.

1. **The rejection of claims 1-3, 5-24, and 28-31 is legally deficient because, not only does *Inanoria* fail to disclose or suggest the claim recitations, *Inanoria* teaches away from the claim recitations.**

When considered as a whole, the primary reference used by the Examiner, *Inanoria*, teaches away from the recitations of the independent claims, and therefore cannot be used to demonstrate obviousness of the claim recitations either alone or in combination with the other cited references. Specifically, *Inanoria*, not only fails to disclose, but also teaches away from, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

According to the *M.P.E.P.*, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” *M.P.E.P.* § 2141.02(VI) (emphasis in original). A disclosure which criticizes, discredits, or otherwise discourages the solution claimed, may constitute a teaching away. See *M.P.E.P.* § 2141.02(VI). Furthermore, the *M.P.E.P.* states that “[i]t is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*).

Rather than using development technologies to enable a user to lay out one or more views for a user interface, *Inanoria* discloses using XUI technologies to create declarative-formatted (XML or XSL tag based) GUI components. *Id.* Examples of the declarative-formatted (XSL tag based) GUI components are shown throughout the specification of *Inanoria*. See e.g., *id.* at ¶¶ [0104] and [0110]. In *Inanoria*, at runtime, “[u]pon receiving [an] HTTP request from [a] client user, [a] JSP file is invoked and a custom tag written in the file invokes the Controller.” *Id.* at ¶ [0128]. According to *Inanoria*, “[t]he Controller imports the template for and delegates control to the Layout Manager to parse and transform the markup information contained in the JSP file.” *Id.* “The Layout Manager then delegates control to the appropriate sub-template for the execution of the selected layout algorithm, which can then import the encapsulated CSS or JavaScript components. The Layout Manager uses one of the strongest attributes of an Object Oriented programming language wherein polymorphism is applied.” *Id.* Thus, prior to runtime, the GUI components in *Inanoria* exist only as XSL tags, and the XSL tags must be processed by the Layout Manager at runtime upon receiving an

HTTP request for generating views. Figure 8 of *Inanoria* depicts only these runtime views.

Moreover, *Inanoria* teaches away by explicitly enumerating the disadvantages of the non-declarative approach in laying out GUI components. *Id.* at ¶ [0008]. For example, instead of disclosing “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, *Inanoria*, discloses “handling a rich set of GUI components without having to implement web applications development technologies.” *Inanoria*, Abstract. *Inanoria* further details the ineffectiveness of these web applications development technologies in delivering rich GUIs for web applications, noting that “GUI data is normally bound or coupled with the GUI logic which normally makes the reuse of these GUI objects very difficult especially when working with multibehavioral or multi-modal pages.” *Id.* at ¶ [0007].

Accordingly, not only does *Inanoria* fail to disclose “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” but in fact, *Inanoria* expressly teaches away from the claim recitations. Therefore, *Inanoria* cannot be combined with the other cited art to support a *prima facie* showing of obviousness. Indeed, ignoring this fundamental failure of *Inanoria* in combination with the other cited art is in violation of one of the foundational concepts of a rejection under § 103(a).

Thus, neither *Inanoria*, nor any obvious variant thereof, teaches or suggests at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3, and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited reference cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria*. Claims 17-24 are nonobvious at least because of their dependence from nonobvious independent claim 16.

2. **The rejection of independent claims 1-3, 5-24, and 28-31 is legally deficient because the cited art does not disclose or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views.”**
 - a. **The Examiner fails to establish that *Inanoria* discloses or suggests “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views.”**

As detailed above, not only does *Inanoria* fail to disclose “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” but in fact, *Inanoria* teaches away from at least this recitation of claim 1.

More specifically, prior to runtime, the GUI components in *Inanoria* exist only as XSL tags, and the XSL tags must be processed by the Layout Manager at runtime upon receiving an HTTP request for generating views.

Moreover, the Examiner's piecemeal application of the cited references to the claims is unsupportable. For example, the Examiner acknowledges that "Inanoria does not explicitly disclose the remaining limitations as claimed," including "**enabling a user to lay out one or more views for a user interface.**" Office Action, p. 4 (emphasis in original). However, the Examiner alleges in the Office Action that "Inanoria discloses . . . **each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements.**" *Id.* (emphasis in original). These two statements are clearly irreconcilable when applied to the plain language of the claims. Claim 1 recites, *inter alia*, "enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views."

In other words, *Inanoria* cannot disclose "each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements," as alleged by the Examiner, if *Inanoria* does not first disclose "enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views," as recited in claim 1.

Accordingly, neither *Inanoria*, nor any obvious variant thereof, teaches or suggests at least the above-noted elements of independent claim 1. For at least this

reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3, and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited reference cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria*. Claims 17-24 are nonobvious at least because of their dependence from nonobvious independent claim 16.

- b. The Examiner fails to establish that *Inanoria* and *Pena*, taken alone or in combination, disclose or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views.”**

Pena fails to overcome the deficiencies of *Inanoria* set forth above, including the failure of *Inanoria* to teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

First, as noted above, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.”

M.P.E.P. § 2141.02(VI) (emphasis in original). A disclosure which criticizes, discredits, or otherwise discourages the solution claimed, may constitute a teaching away. See *M.P.E.P.* § 2141.02(VI). “It is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*).

Thus, the combination of *Pena* with *Inanoria* is improper at least because *Inanoria* teaches away from “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

Second, *Pena* is directed to a system and method for platform and language-independent delivery of page-based content. *Pena*, Abstract. According to the Examiner, *Pena* allegedly discloses “the use of a link for action transitions among page views.” Office Action, p. 4. Thus, at most, *Pena* teaches navigation links and even if the Examiner’s allegations were true, *Pena* fails to teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in independent claims 16, 28, 29, 30, and 31.

Accordingly, neither *Inanoria*, nor *Pena*, taken alone or in any reasonable combination, teach or suggest at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent

claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3, and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited references cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria* and *Pena*. Claims 17-24 are also nonobvious at least because of their dependence from nonobvious independent claim 16.

- c. **The Examiner fails to establish that *Inanoria*, *Pena*, and *Pattison*, taken alone or in combination, disclose or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views.”**

Pattison fails to overcome the deficiencies of *Inanoria* and *Pena* set forth above, including the failure of *Inanoria* and *Pena* to teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

As noted above, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” *M.P.E.P.* § 2141.02(VI) (emphasis in original). A disclosure which criticizes, discredits, or otherwise discourages the solution claimed, may constitute a teaching away. See

M.P.E.P. § 2141.02(VI). “It is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*).

Thus, the combination of *Pattison* with *Inanoria* and *Pena* is improper at least because *Inanoria* teaches away from “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

Pattison discloses “the application of graph drawing and information visualisation techniques to the visualisation of information which can be modelled as an attributed graph.” *Pattison*, Abstract. According to *Pattison*, “[t]he heirarchy of containers can be modelled as a *layout composition tree*” *Id.* at Section 3.2.1. “Each node of the tree specifies a *layout rule*, which dictates the appearance of the corresponding container and the layout of its contents.” *Id.*

In *Pattison*, “[t]he layout composition specification editor shown in Figure 2 consists of the layout composition tree (left) and the *layout rule customiser* (right). Each node in the tree contains a layout rule for the corresponding container, the details of which are specified in the right-hand panel of Figure 2.” *Id.* “The layout of the contents of a container is determined by a *layout strategy*, which is selected by choosing a tab in the layout rule customiser shown at right in Figure 2.” *Id.* at Section 3.2.2.

Thus, *Pattison* does not teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more

views,” as recited in independent claim 1. Instead, *Pattison* allows a user to select a layout for the visualization of data (e.g., graph, attribute, or blind).

Moreover, *Pattison* teaches visualization techniques, and the disclosed embodiments demonstrate the various techniques and layouts for the visualization of data. Thus, Figure 2 of *Pattison* does not teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Instead, Figure 2 of *Pattison* is the user interface for the presentation of data to a user via one of the selected layouts.

Accordingly, neither *Inanoria*, nor *Pena*, nor *Pattison* taken alone or in any reasonable combination, disclose or suggest at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3 and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited references cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria*, *Pena*, and *Pattison*. Claims 17-24 are also nonobvious at least because of their dependence from nonobvious independent claim 16.

- d. **The Examiner fails to establish that *Inanoria*, *Pena*, *Pattison*, and *Mahemoff*, taken alone or in combination, disclose or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views.”**

Mahemoff fails to overcome the deficiencies of *Inanoria*, *Pena*, and *Pattison* set forth above including the failure of *Inanoria*, *Pena*, and *Pattison* to teach or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

As noted above, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” *M.P.E.P.* § 2141.02(VI) (emphasis in original). A disclosure which criticizes, discredits, or otherwise discourages the solution claimed, may constitute a teaching away. See *M.P.E.P.* § 2141.02(VI). “It is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*).

Thus, the combination of *Mahemoff* with *Inanoria*, *Pena*, and *Pattison* is improper at least because *Inanoria* teaches away from “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, and similarly recited in each of independent claims 16, 28, 29, and 30.

Furthermore, *Mahemoff* fails to teach or suggest “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Indeed, contrary to the Examiner’s apparent assertion on page 2 of the Office Action, that the “new reference [has] been set forth [] to address the amended claim language,” the statements in *Mahemoff* are vague and inapplicable.

For example, *Mahemoff* states that “[r]eusability was one of the benefits touted for MVC a few years ago, but this referred to buttons, pop-up menus, and so on . . . [and] [t]hese are widgets provided by most modern toolkits” *Mahemoff*, Section 3.3. These statements do not disclose or suggest, *inter alia*, “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1. Instead, it is merely stating that widgets, buttons and pop-up menus, are available in most toolkits.

Accordingly, neither *Inanoria*, nor *Pena*, nor *Pattison*, nor *Mahemoff* taken alone or in any reasonable combination, disclose or suggest at least the above-noted elements of independent claim 1. For at least this reason, the Examiner has not established a *prima facie* case of obviousness regarding independent claim 1. Accordingly, the rejection of independent claim 1 under 35 U.S.C. § 103(a) is improper, should be withdrawn, and the claim allowed. Claims 2, 3 and 5-15 are also nonobvious at least because of their dependence from nonobvious independent claim 1.

Independent claims 16 and 28-31, although of different scope, recite subject matter similar to that of independent claim 1. For at least the same reason as set forth above in connection with independent claim 1, the cited references cannot support a rejection of claims 16 and 28-31 under 35 U.S.C. § 103(a), and claims 16 and 28-31 should be allowable over *Inanoria*, *Pena*, *Pattison*, and *Mahemoff*. Claims 17-24 are also nonobvious at least because of their dependence from nonobvious independent claim 16.

B. The rejection of claims 1-3, 5-24, and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over the cited art should be reversed because the Examiner failed to address Appellants arguments.

At least because the Examiner failed to fully respond to Appellants' arguments set forth in the Reply to Office Action filed on September 13, 2007, Appellants' respectfully assert that the Finality of the Office Action was premature. In the section entitled "*Response to Arguments*," the Examiner states that "Applicant's arguments with respect to [the] claims have been considered but are moot in view of the new ground(s) of rejection." Office Action, p. 2. In particular, the Examiner asserts that "Applicant's arguments concerning the rejection of the claims under 35 USC § 103(a) appear to be primarily directed to the newly amended claim language." *Id.* Further, "[n]ew rejections citing a new reference have been set forth below to address the amended claim language." *Id.*

However, as noted above, "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." *M.P.E.P.* § 2141.02(VI) (emphasis in original). A disclosure which criticizes, discredits, or otherwise discourages the solution claimed, may constitute a teaching

away. See *M.P.E.P.* § 2141.02(VI). “It is improper to combine references where the references teach away from their combination.” *M.P.E.P.* § 2145(D)(2) (citing *in re Grasselli*).

As Appellants noted in their previous responses, the primary reference used by the Examiner, *Inanoria*, remained unchanged in the Final Office Action. Accordingly, the fact that *Inanoria* teaches away from “enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views,” as recited in independent claim 1, also remained unchanged. Thus, the Examiner had an obligation to consider and address Appellants’ arguments.

Because the Examiner has failed to consider Appellants’ arguments and, more specifically, has failed to consider that *Inanoria* teaches away from the aforementioned recitation, the finality of the Office Action was improper.

VIII. Conclusion

For the reasons given above, pending claims 1-3, 5-24, and 28-31 are allowable and reversal of the Examiner's rejection is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Revised Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 15, 2008

By: William J. Burgen, Reg # 43,515
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Reg. No. 36,743

IX. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. (Previously Presented) A computer program product operable to cause a data processing apparatus to assist in development of user interfaces and tangibly embodied in a computer-readable medium, the computer program product comprising instructions for:

enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views;

receiving user input specifying a view composition, the view composition comprising a set of views, each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements, the view composition further comprising the layout of the views for the user interface and at least one navigation link, each navigation link specifying a transition from a first view in the set of views to a second view in the set of views, wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view; and

storing the view composition in a repository such that a rendering program uses the view composition to display the user interface.

2. (Original) The computer program product of claim 1, wherein the set of user interface elements comprises one or more of input user interface elements, view user interface elements, and container user interface elements.

3. (Previously Presented) The computer program product of claim 1, wherein the instructions further comprise receiving further user input, the further user input specifying one or more property settings for at least one of the one or more user interface elements.

4. (Canceled).

5. (Previously Presented) The computer program product of claim 1, wherein the exit point comprises a definition of an event that can be raised in order to trigger the navigation link, and the entry point comprises an event handler corresponding to the event.

6. (Previously Presented) The computer program product of claim 1, wherein the enabling a user to lay out comprises enabling a user to use a pre-defined layout.

7. (Previously Presented) The computer program product of claim 1, wherein the enabling a user to lay out comprises enabling a user to nest one or more views from the set of views inside an enclosing view from the set of views.

8. (Previously Presented) The computer program product of claim 7, wherein the enabling a user to nest comprises enabling a user to associate the one or more views with a view container user interface element in the enclosing view.

9. (Previously Presented) The computer program product of claim 7, wherein the enabling a user to nest comprises enabling a user to associate the one or more views with a pre-defined set of view areas in the enclosing view.

10. (Previously Presented) The computer program product of claim 1, wherein the enabling a user to lay out comprises enabling a user to specify a view area for displaying at most one view at a time, and to associate the view area with two or more views from the set of views.

11. (Original) The computer program product of claim 10, wherein one of the two or more views is designated as a default view to display in the view area.

12. (Previously Presented) The computer program product of claim 1, wherein the instructions further comprise associating the view composition with a reusable component.

13. (Original) The computer program product of claim 12, wherein at least one of the views in the set of views is defined in a second, distinct view composition associated with a second, distinct reusable component.

14. (Original) The computer program product of claim 1, wherein the user input is provided by a user through interface controls provided in at least one graphical user interface.

15. (Previously Presented) The computer program product of claim 1, wherein the instructions further comprise generating an XML representation of the view composition, and wherein storing the view composition in the repository comprises storing the XML representation of the view composition in the repository.

16. (Previously Presented) A computer program product including instructions operable to cause data processing apparatus to assist in execution of an application and tangibly embodied in a computer-readable medium, the computer program product comprising:

enabling a user to lay out one or more views from a set of views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views;

generating the user interface comprising the layout, the layout and the set of views being specified in a view composition, each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements; and

modifying the user interface based on at least one navigation link specified in the view composition, wherein each navigation link associates a first view in the set of views with a second view in the set of views, and wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view.

17. (Original) The computer program product of claim 16, wherein modifying the user interface comprises invoking an event handler implemented in an entry point associated with the second view.

18. (Original) The computer program product of claim 16, wherein modifying the user interface comprises displaying the second view in the user interface.

19. (Original) The computer program product of claim 16, wherein:
the layout of the one or more views comprises a specification of a view area for displaying at most one view at a time, and an association between the view area and the first and second views; and

modifying the user interface comprises displaying the second view in the view area and hiding the first view.

20. (Original) The computer program product of claim 18, wherein:
the layout of the one or more views comprises a nesting of the second view inside an enclosing view in the set of views; and

modifying the user interface further comprises displaying the enclosing view in the user interface.

21. (Original) The computer program product of claim 20, wherein displaying the enclosing view comprises displaying a third view contained in the enclosing view.

22. (Original) The computer program product of claim 16, wherein the instructions are further operable to cause the data processing apparatus to modify the view composition.

23. (Original) The computer program product of claim 22, wherein modifying the view composition comprises:

specifying a new view; and

specifying a new navigation link between the new view and one of the views in the set of views.

24. (Original) The computer program product of claim 23, wherein the view composition is associated with a reusable component, and wherein the new view is defined in a second, distinct view composition associated with a second, distinct reusable component.

25. (Canceled).

26. (Canceled).

27. (Canceled).

28. (Previously Presented) A computer-implemented method for developing user interfaces, the method comprising:

enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views;

receiving user input specifying a view composition, the view composition comprising a set of views, each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements, the view composition further comprising the layout of the views for the user interface and at

least one navigation link, each navigation link specifying a transition from a first view in the set of views to a second view in the set of views, wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view; and

storing the view composition in a repository such that a rendering program uses the view composition to displaying the user interface.

29. (Previously Presented) An apparatus for assisting in development of user interfaces, the apparatus comprising:

a processor; and

means, connected to the processor, for enabling a user to lay out one or more views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views;

means for receiving user input specifying a view composition, the view composition comprising a set of views, each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements, the view composition further comprising the layout of the views for the user interface and at least one navigation link, each navigation link specifying a transition from a first view in the set of views to a second view in the set of views, wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view; and

means for storing the view composition in a repository such that a rendering program uses the view composition to display the user interface.

30. (Previously Presented) A computer-implemented method for assisting in execution of an application, the method comprising:

enabling a user to lay out one or more views from a set of views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views;

generating the user interface comprising the layout, the layout and the set of views being specified in a view composition, each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements; and

modifying the user interface based on at least one navigation link specified in the view composition, wherein each navigation link associates a first view in the set of views with a second view in the set of views, wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view.

31. (Previously Presented) An apparatus comprising:

a processor; and

means, connected to the processor, for enabling a user to lay out one or more views from a set of views for a user interface including allowing the user to select one or more user interface elements from a set of user interface elements for each of the one or more views;

means for generating the user interface comprising the layout, the layout and the set of views being specified in a view composition, each view in the set of views comprising a layout of the one or more user interface elements selected from the set of user interface elements; and

means for modifying the user interface based on at least one navigation link specified in the view composition, wherein each navigation link associates a first view in the set of views with a second view in the set of views, wherein each navigation link comprises an association between an exit point in the first view and an entry point in the second view.

X. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

Appellants do not rely upon evidence under 37 C.F.R. 1.130, 1.131, or 1.132, or any other evidence entered by the Examiner in the pending appeal.

XI. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None.